

REMARKS

In accordance with the foregoing, claims 1, 5, 21, 23, and 24 are amended herein. No new matter is presented and entry and approval are requested.

Claims 1, 3, 5, 7, 9-12 and 21-24 are pending and under consideration. Reconsideration is requested.

Claim Amendments

Independent claim 1 is amended herein to recite a device including "... wherein weight setting for realizing a loss characteristic which compensates for the wavelength-dependent loss is made in the optical filters, and wavelength channels are assigned to the optical filters in such a manner that influences of accumulated insertion loss caused by the presence of the optical filters are suppressed." Independent claims 5, 21, and 23 are amended herein in a similar fashion.

Support for the amendment is found, for example on page 22, lines 3-9 of the specification.

Claim 24 is amended herein to correct an informality. No new matter is presented, and approval and entry of the amended claims are respectfully requested

Item 1: Objection to Claims

In item 1 of the Office Action, the Examiner objects to claims 1, 5, 21 and 23 because of informalities asserting the phrase "number of time" should be corrected. (see, Office Action at page 2).

Claims 1, 5, 21, and 23 are amended herein deleting the phrase "number of time."

Conclusion

Thus, the objection to claims 1, 5, 21, and 23 should be withdrawn.

Item 3: Rejection under 35 U.S.C. §112, first paragraph

In item 3 of the Office Action, the Examiner rejects claims 1, 3, 5, 7, 9-12 and 21-24 under 35 U.S.C. §112, first paragraph asserting:

Claim 1 recites the limitation "number of time that each of the plurality of signal lights in the WDM light pass through the plurality of optical filter differs" in lines 10-11. Instant specification does not describe the limitation in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(See, Office Action at page 2).

Independent claims 1, 5, 21, 23 are amended herein to delete the limitation cited by the Examiner.

Conclusion

Applicants submit that claims 1, 3, 5, 7, 9-12 and 21-24 comply with 35 U.S.C. §112, first paragraph, and thus, the rejection should be withdrawn.

Items 5-7: Rejection of Claims under 35 U.S.C. §103(a)

In item 5 of the Office Action, the Examiner rejects claim 21 under 35 U.S.C. §103(a) as being unpatentable over Tamura et al. (EPO 153 722 A2) ("Tamura") in view of Persson (U.S. Patent 6,519,384 B2) ("Persson '384"). (See, Office Action at page 3).

In item 6 of the Office Action, the Examiner rejects claims 1, 3, and 22 under 35 U.S.C. §103(a) as being unpatentable over Tamura and Persson '384 and further in view of Nielsen et al. (U.S. Patent 6,559,988 B1) ("Nielsen"). (See, Office Action at page 4).

In item 7 of the Office Action the Examiner rejects claims 5, 7, 9-12 and 23-24 under 35 U.S.C. §103(a) as being unpatentable over Tamura, Persson '384 and Nielsen and further in view of Persson et al. (U.S. Patent 7,110,673 B2) ("Persson '673"). (See, Office Action at pages 4 -5).

The rejections are traversed.

Applicants submit that features recited by each of the independent claims, as amended herein, (and respective dependent claims) are not taught by an *arguendo* combination of the art relied on by the Examiner.

Independent claim 1, for example, recites an optical transmission device including "a WDM port . . . ; and a wavelength multiplex/demultiplex unit . . . including a plurality of optical filters that . . . have a loss characteristic weighted at the plurality of wavelengths in correspondence with a wavelength-dependent loss characteristic, and each of the plurality of optical filters has a function of a band-pass filter and a same insertion loss, wherein weight setting for realizing a loss characteristic which compensates for the wavelength-dependent loss is made in the optical filters, and wavelength channels are assigned to the optical filters in such a manner that influences of accumulated insertion loss caused by the presence of the optical filters are suppressed." (Emphasis added). Independent claims 5, 21, and 23, each as amended herein, have similar recitations.

Applicants submit that none of the art of record, alone or in combination, teaches optical filters including "weight setting for realizing a loss characteristic which compensates for the wavelength-dependent loss is made in the optical filters, and wavelength channels are assigned to the optical filters in such a manner that influences of accumulated insertion loss caused by the

presence of the optical filters are suppressed," as recited by claim 1, for example.

By contrast with each of independent claims 1, 5, 21, and 23, Tamura merely teaches interference filters 34a, 34b, 34c, 34d (*arguendo* optical filters) for passing light of certain wavelengths. (See, for example, page 8, lines 1-10).

By contrast with each of independent claims 1, 5, 21, and 23, Persson '384 merely teaches filter elements arranged such that received channel wavelengths with a high link loss relative to an allowed link loss are dropped. (See, for example, col. 2, lines 9-190).

By contrast with each of independent claims 1, 5, 21, and 23, Nielsen merely teaches minimizing insertion loss by equalizing a number of filter elements each dropped WDM signal interacts with. (See, for example, col. 5, lines 19-24).

By contrast with each of independent claims 1, 5, 21, and 23, Persson '673 merely teaches a first drop filter 100 for extracting a certain wavelength window and a further filter 110 for separating a wavelength band from the OSC Channel wavelength (See, for example, col. 3, lines 40-68).

Accordingly, even an *arguendo* combination of the art of record, in view of reasonable modifications by one of ordinary skill in the art, does not all of features recited by at least each of the independent claims.

Thus, the rejections of independent claims 1, 5, 21, and 23 should be withdrawn and claims 1, 5, 21, and 23 allowed.

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Dependent claims 3, 7, 9-12, 22 and 24 inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the reasons above.

Thus, the rejections of claims 3, 7, 9-12, 22 and 24 should be withdrawn and claims 3, 7, 9-12, 22 and 24 allowed.

Conclusion

Thus, the rejection should be withdrawn and claims 1, 3, 5, 7, 9-12, and 21-24 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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